



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,369	03/23/2007	Maurice Aboukrat	55930/DBP/N75	3118

23363 7590 04/13/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

SPIELER, WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

2159

MAIL DATE	DELIVERY MODE
-----------	---------------

04/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,369	Applicant(s) ABOUKRAT ET AL.	
	Examiner WILLIAM SPIELER	Art Unit 2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment filed 28 September 2005 has been entered.
2. Claims 1-10 are pending.
3. All pending claims are rejected.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Art Unit: 2159

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi, European Published Patent Application EP 0 837 400 A2 (hereinafter “Hayashi”) in view of Nuxeo, *Collaborative Portal Server*, 16 April 2002 (hereinafter “Nuxeo”).

As per Claim 1, Hayashi teaches:

an object model, including a plurality of classes, structured to include a content pointer, a level indicator, an access method, a validation method, and a validation indicator (Hayashi, pg. 3, lines 15-30),

a document operator capable of creating and maintaining a document in the form of a set of object model class instances (Hayashi, pg. 3, lines 18-22),

the display manager being arranged to enable the joint display of a tree diagram, defined according to level indicators and display/input zones with tabs, corresponding to the contents of class instances existing in at least part of the tree diagram (Hayashi, pg. 3, lines 28-30),

the processing tool only authorizing access to a document according to the access rights of the user concerned, such as determined by the document user rights manager (Hayashi, pg. 3, lines 53-57),

in the event of access, the processing tool only authorizing validation of a zone according to the validation rights of the user concerned for the document, as determined by the document user rights manager (Hayashi, pg. 3, lines 53-57),

the display manager additionally including a first mechanism capable of jointly modifying the display of a zone and a corresponding node in the tree diagram according to the validation status of the zone (Hayashi, pg. 3 lines 53-57),

Hayashi, however, does not teach:

a second mechanism capable, judging by the level indicators, of causing a validated status to rise to a higher level node when all of the nodes of one level are validated, nor

whereas, when the head of the tree diagram is validated, the processing tool authorizes the signature of the entire document by a user having corresponding signature rights.

The analogous and compatible art of Nuxeo, however, does (Nuxeo, pg. 8, section titled “Chaine de validation”, “Ainsi, undocument créé de manière collaborative au sein d' un groupe de travail est directement soumis est soumis aux responsables des rubriques au sein desquelles le document doit être publié. Chaque responsable valide ou rejette le document pour publication dans sa rubrique”), where it is clear that the persons in charge (“responsable”), being part of the work group (“groupe de travail”), have a validated status of the child nodes of the higher level node, where it is clear that there is a parent-child hierarchy of sections of the document (“rubriques au sein desquelles le document”), and that the validation of the document at the head is the signing as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nuxeo with those of Hayashi as the teachings of Nuxeo provide a means for validating that the content of the document as a whole is in a state such as is desired, thereby allowing for an ultimate managerial and editorial control over the content of the document which has multiple consistent parts having been worked upon by multiple people.

As per Claim 2, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the tree diagram includes levels arranged in a descending hierarchy, in particular levels such as document, chapter and section, each level comprising one or more nodes (Hayashi, pg. 3 lines 25-30).

As per Claim 3, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

a tabbed display/input zone corresponds to a node at a level (Hayashi, Fig. 51).

As per Claim 4, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the document user rights manager determines the user rights for a given document based on the instantiation of a method of reading the rights of that user (Hayashi, pg. 3. lines 53-57)

As per Claim 5, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the user rights for a document include at least some of the following rights: the right to display, print, search, preview, create, duplicate, link, delete, export,

Art Unit: 2159

write, validate, discuss, publish, enter, and sign a document (Hayashi, pg. 3 lines 53-57).

As per Claim 6, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the document user rights manager determines the user role data for a given document based on the instantiation of a method of reading the role of that user, the role data being defined by a set of rights (Hayashi, pg. 3 lines 53-57).

As per Claim 7, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the user role data for a document includes at least some of the roles such as: reader, defining at least the rights to display, print, search, preview, and export a document for a user, author, defining at least the rights to create, duplicate, delete, and revise a document for a user, editor, defining at least the rights to write, validate, and discuss a document for a user, publisher, defining at least the right to publish a document for a user, contributor, defining at least the rights to validate and discuss a document for a user, signatory, defining at least the right to sign a document for a user (Hayashi, pg. 3 lines 53-57).

As per Claim 9, the rejection of Claim 1 is incorporated, and Hayashi further teaches:

the document user rights manager is designed to manage rights defined for a group of documents and/or for a set of users (Hayashi, pg. 3 lines 53-57).

As per Claim 10, the rejection of Claim 1 is incorporated, and Nuxeo further teaches:

the display manager includes a third mechanism capable, based on the validation of a higher node, of propagating the node validation to lower levels (Nuxeo, pg. 8, section titled "Chaine de validation", "Ainsi, undocument créé de manière collaborative au sein d' un groupe de travail est directement soumis est soumis aux responsables des rubriques au sein desquelles le document doit être publié. Chaque responsable valide ou rejette le document pour publication dans sa rubrique"), where it is clear that the persons in charge ("responsable") has validation of the higher node by virtue, and by virtue of such validation, has validation of the lower levels through the parent-child hierarchy of sections of the document ("rubriques au sein desquelles le document").

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi, European Published Patent Application EP 0 837 400 A2 (hereinafter "Hayashi") in view of Nuxeo, *Collaborative Portal Server*, 16 April 2002 (hereinafter "Nuxeo") and further in view of Koch et al., *Using Component Technology for Group Editors – The Iris Group Editor Environment*, 30 September 1997 (hereinafter "Koch").

As per Claim 8, the rejection of Claim 1 is incorporated, but the incorporated rejection does not specifically teach:

the first mechanism is capable of changing the node color according to the validation status of the corresponding zone,

the second mechanism is capable, when the color of all the nodes at a level indicates that they are validated, of changing the node color of the higher level to indicate validation thereof.

The analogous and compatible art of Koch, however, teaches the use of coloring a node to signify that is a section in the document that a user can work on (Koch, Fig. 2 and accompanying text). As discussed in the incorporated rejection, Nuxeo teaches that it would be obvious that if all children of a node are available to be worked on by a user, then said node is also available to be worked on by a user. The combination of Nuxeo and Koch, therefore, teaches changing the node color of the higher level as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Koch with those of the incorporated references so as to provide a clear graphical indication to the user within the scope of the displayed tree hierarchy those sections for which the user has access rights.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM SPIELER whose telephone number is (571) 270-3883. The examiner can normally be reached on Monday to Thursday, 11 AM - 5 PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Spieler/
Examiner, Art Unit 2159

/James Trujillo/
Supervisory Patent Examiner, Art
Unit 2159